

APPROVED: MEETING NO. 42-85

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 41-85

August 12, 1985

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, August 12, 1985, at 8:05 p.m.

PRESENT

Mayor Viola D. Hovsepian

Councilman Peter Hartogensis

Councilman John Tyner, II

ABSENT

Councilman Steve Abrams
(On vacation)

Councilman Douglas Duncan
(On Private Business Travel)

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Blick reported the following:

1. An information piece from the history of access to Lincoln Park after the closing of Westmore Road and Frederick Avenue will be complete in about 2 weeks and made available to the public. It was prepared as a background piece for the engineering consultant and members of the Lincoln Park Community. The engineering committee hopes to have the engineering consultant under contract by mid-September.

2. The Government Finance Officers Association has awarded a certificate of conformance in Financial Reporting to the City of Rockville for its

comprehensive annual financial report for the fiscal year ended June 30, 1984.

Mary Parker, Director of Finance, accepted the plaque from Mayor Hovsepian.

Re: Presentation by
Rockville Rotary Club and
Montgomery County Road-
runners of proceeds from
1985 Rotary Run

Playtan Gerachis and Patrick Woodward of the Rockville Rotary Club and Dennis Steinauer, of the Montgomery County Roadrunners addressed the Mayor and Council and thanked the City and Chuck Miller for its efforts in working to present the 1985 Rotary Run. They displayed the banner and presented T-shirts to the City. They briefed the Council on the background on the race. The proceeds of the race are used for a scholarship presented to youth who demonstrate need and they are allowed to participate in the race. The club was able to present a grant to the Rockville Football League for helmets and assisted over a hundred youths. A check for \$3,600.00, representing the proceeds, were presented to the City. The Mayor and Council thanked the Montgomery County Roadrunners and the Rotary Club for their efforts in working with the youth of the City.

Re: Appointments

Mayor Hovsepian made the following appointments. They were confirmed by the Council:

Human Rights Commission: Frantz Wilson - appointed to a four-year term
840 Duke Street

Thomas J. Shih - appointed to a four-year term
1904 Stanley Avenue

ACSC: Richard Zeidman - appointed Alternate - 2-year term
14004 N. Commons Way

New Horizons Task Force: Herman Hartman
Helen Hillstrom - Chairman

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Mayor Hovsepien presented Certificates of Appreciation to the members of the Society of Theatre Arts in Rockville, a group that worked to bring national theatre attractions to the Civic Center Theatre for the past four years. Receiving the certificates were Arnold and Leah Barnett, Rusty and Jim Henry, Mary Horsman, Flo Slaverio and Laura Selby. Certificates will be sent to Eileen Mader, Vita Heineman, Kim Lust, Gene Morrill, Sondra Taggart, Joseph Adams, James Griffin, Patricia Smart and Brother Niedecker.

Re: Proclamation: Voter
Registration Month -
September

Proclamation No. 13-85

Councilman Tyner, at the request of the Mayor, read the proclamation, proclaiming the month of September as Voter Registration Month in Rockville. Jean Fleming, Chairman of the Board of Elections of Supervisors, accepted the proclamation in which it was urged that all citizens register to vote and encourage their neighbors to do the same.

Re: Proclamation: Caregivers
Month - September

Proclamation No. 14-85

Councilman Hartogensis read the proclamation proclaiming September as Caregiver's Month. Mary Kay Sablehaus of the Interfaith Clothing Store accepted the proclamation in which it was urged that all citizens acknowledge and appreciate the work of their neighbors who lend a helping hand to the needy.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Zoel Radner of Stratton Drive. Mr. Radner spoke to the Council concerning the incorrect method of pruning that was used by the firm employed by the City to prune the cherry trees in his neighborhood. He suggested the staff

learn how to do it correctly in the future so that the trees will not be damaged.

2. Leah Barnett, Orchard Way South. Mrs. Barnett, as President of the Chamber of Commerce, presented the Mayor and Council with a poster of Rockville Business.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Public Hearing: Special
Assessments for Project
4C12, widening of Brent
Road

The Mayor and Council conducted a public hearing on special assessments for project 4C12, widening of Brent Road and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed with the record to be held open for two weeks.

Re: Public Hearing: Special
Assessments for Project
OL22, widening of South
Stonestreet Avenue

The Mayor and Council conducted a public hearing on special assessments for Project OL22, widening of South Stonestreet Avenue, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed with the record to be held open for thirty days.

Re: Public Hearing: Annexa-
tion Petition, X-97-85,
requesting the annexation
of two adjacent properties
located on the southwest
side of Darnestown Road,
opposite Research Blvd.

The Mayor and Council conducted a public hearing on Annexation Petition, X-96-85, requesting the annexation of two adjacent properties located on the

southwest side of Darnestown Road, opposite Research Boulevard, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open until September 13, 1985, at 5:00 p.m.

Re: Award of Contract: Bid
No. 19-86, Annual Concrete
Maintenance

Bids were opened at 2:30 p.m. Friday, August 2, 1985, in the Mayor and Council Chamber. The bid covers various items of concrete maintenance, utility street repairs and roadway spot improvements.

Five companies requested bid documents and, of that number, two bids were received as follows:

Nazario Construction Co., Inc., Beltsville, MD.	\$266,195.00
F.O. Day Company, Inc., Rockville, MD	\$316,650.00
Engineer's Estimate	\$248,000.00
Appropriation	\$226,000.00

The low bid is based on contract quantities and unit prices. The staff recommendation is to limit the expenditure to the actual appropriation, the actual amount of which will depend on the Mayor and Council's action.

This is the annual maintenance contract for the repair of concrete drive aprons, curbs, sidewalks and drainage systems at various locations throughout the City. The bid document establishes unit prices to cover these various items, with the objective to complete as much work as possible with the available \$151,000.00 appropriation.

A portion of the contract includes items for the repair of streets excavated in connection with water and sewer utility repairs. A sufficient quantity has been included in the contract to obtain competitive unit prices. The appropriation for this portion is \$52,000.00 but will only be used on an as-needed basis.

The balance of the funds, \$23,000.00, is to be used for small roadway improvements at various locations. A copy of these locations is attached for your information.

It was necessary to add a major stream valley repair project which had not been anticipated and is, for the most part, outside the normal scope of the concrete maintenance appropriation. Two stream bank locations adjacent to Cabin John Parkway south of E. Lynfield Drive have experienced erosion and have jeopardized the integrity of the street. At the most severe point, the street is in immediate danger of additional serious settlement. At another spot the street will be affected over the course of the next year or two. The low bidder has priced this work at \$20,000, which is a reasonable sum. The second low bidder has priced the work at \$32,000, the amount the City could expect to pay had the project not been combined with other work under this contract.

Due to the critical nature of the stream bank repair work, it was included with the annual maintenance contract to provide an opportunity to review the situation with a firm price for corrective action. A reduction in the anticipated concrete maintenance will result if this work goes forward without an increase in the maintenance appropriation to cover the \$20,000 cost. However, to make up for the reduction, a mid-year appropriation can be considered, or an appropriate amount could be added to the FY 87 budget.

Compared with last year, the Concrete Maintenance Contract shows only a 1% increase in the prices of the principal items

The low bidder, Nazario Construction Company, has performed similar projects for the City and their work has always been satisfactory.

It is recommended that the Mayor and Council award the contract to the low bidder, Nazario Construction Company, in the amount of the appropriation of \$226,000 which includes the costs of repairs of the stream valley at Cabin John Parkway.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, Bid No. 19-86, Annual Concrete Maintenance Contract, was awarded to Nazario Construction Company, in the amount of the appropriation of \$226,000 which includes the costs of repairs of the stream valley at Cabin John Parkway.

Re: Introduction of Resolution of the Mayor and Council of Rockville adopted pursuant to Article XI-E of the Constitution of Maryland, Section 13 of Article 23A of the Annotated Code of Maryland and the Charter of the City of Rockville, as amended, to amend Section 5 of Article III of the Charter, so as to provide that a vacancy occurring in the office of the Mayor within the first 16 months of the term shall be filled by the unanimous vote of the Council or if the Council cannot unanimously agree, the vacancy shall be filled by designated councilmembers.

On motion of Councilman Hartogensis, there was introduced upon the table a resolution amending the Charter to provide for the filling of a vacancy in the office of Mayor by a special election in the first 16 months and a vacancy after the first 16 months by unanimous vote of the Council or by designated councilmembers. A public hearing on this amendment shall be held on September 23, 1985.

Re: Introduction of Resolution of the Mayor and Council of Rockville adopted pursuant to Article XI-E of the Constitution of Maryland, Section 13 of Article 23A of the Annotated Code of Maryland and the Charter of the City of Rockville, as amended, to amend Section 5 of Article III of the Charter, so as to provide that a vacancy occurring in the office of the Mayor within the first 16 months of the term shall be filled by special election and that a vacancy occurring in the office of the Mayor after the first sixteen months of the term shall be filled by the unanimous vote of the Council or if the Council cannot unanimously agree, the vacancy shall be filled by designated officials and if no such official can or will serve, then such vacancy shall be filled by majority vote of the Council

On motion of Councilman Tyner, there was introduced upon the table, a resolution to amend the Charter providing for filling a vacancy in the office of Mayor by special election within the first 16 months or after that by unanimous vote of the Council or by designated officials and if no such official can serve, by majority vote of the Council. Councilman Tyner asked that the memo of the City Attorney be included with the Charter amendment when copies are requested by the public.

Re: Adoption of Ordinance: To
Amend Chapter 14 of the
"Laws of Rockville",
entitled Building Code to
Adopt the 1984 Building
Officials and Code
Administrators, Inc.,
(BOCA) Basic Building Code

Ordinance No. 21-85

Councilman Hartogensis moved to adopt the ordinance. The motion was seconded.

Councilman Hartogensis moved, duly seconded, and passed by unanimous vote of all present to amend the ordinance in Section 1-401(d)(4) to correct a typographical error and a technical omission.

Ordinance No. 21-85, the full text of which can be found in Ordinance Book 12, amending Chapter 14 of the Laws of Rockville and adopting the 1984 BOCA Building Code, by unanimous vote of all present, was adopted as amended.

Re: Adoption of Ordinance: To
Amend Chapter 14A of the
"Laws of Rockville",
entitled Plumbing Code to
adopt the 1984 BOCA
Basic/National Plumbing
Code

Ordinance No. 22-85

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, Ordinance No. 22-85, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council amending Chapter 14A of the "Laws of Rockville entitled Plumbing Code to adopt the 1984 BOCA Basic/National Plumbing Code, was adopted.

Re: Adoption of Ordinance: To
Amend Chapter 14B of the
"Laws of Rockville",
entitled Electrical Code
to adopt the 1984 National
Electric Code

Ordinance No. 23-85

On motion of Councilman Hartogensis, duly seconded and passed by unanimous vote of all present Ordinance No. 23-85, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council, amending Chapter 14B of the "Laws of Rockville" entitled Electrical Code, to adopt the 1984 National Electric Code, was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To
Amend Chapter 14F of the
"Laws of Rockville",
entitled Mechanical Code
to adopt the 1984 National
Mechanical Code

Ordinance No. 24-85

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, Ordinance No. 24-85, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council, amending Chapter 14F of the "Laws of Rockville, entitled Mechanical Code to adopt the 1984 National Mechanical Code was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To
Amend Chapter 14G of the
"Laws of Rockville",
entitled Energy
Conservation Code to adopt
the 1984 BOCA
Basic/National Energy
Conservation Code

Ordinance No. 25-85

On motion of Councilman Hartogensis, duly seconded and passed by unanimous vote of all present, Ordinance No. 25-85, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council, amending Chapter 14G of the

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'Laws of Rockville" entitled Energy Conservation Code to adopt the 1984 BOCA Basic/National Energy Conservation Code, was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To Amend Chapter 14H of the "Laws of Rockville", entitled One and Two Family Dwelling Code to adopt the 1983 Council of American Building Officials (CABO) One and Two Family Dwelling Code

Ordinance No. 26-85

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, Ordinance No. 26-85, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council, amending Chapter 14H of the "Laws of Rockville", entitled One and Two Family Dwelling Code to adopt the 1983 Council of American Building Officials (CABO) One and Two Family Dwelling Code, was adopted by the Mayor and Council.

Re: Approval of Storm Water Management Waiver -
Parcels 2-N and 2-O,
Original Town (Hotel Site)

This site, located between Courthouse Square and East Middle Lane just east of North Washington Street and situated in the Rock Creek Drainage area, has been the site for the Tennis Club and the Woolworth Building in the Urban Renewal area.

The planned development will be below the water table and acceptable on-site storm water management cannot be provided. Existing storm drains can convey the runoff to Maryvale Park.

Waiving the on-site SWM requirements and accepting a contribution could help fund maintenance of the existing SWM structure at Maryvale Park and/or the design, construction and maintenance of the Maryvale Park II SWM structure now being designed.

Since this site was previously paved and since existing storm drains can convey the runoff to Maryvale Park, it is recommended that the on-site SWM requirement can be waived and the City accept a contribution of \$58,000 (2.9 acres at \$20,000) toward the City's public SWM program, subject to concurrence by the Montgomery Soil Conservation District.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the waiver of on-site Storm Water Management requirement was waived and a contribution of \$58,000 was accepted towards the City's SWM program.

Re: Resolution: To Authorize
Carryover of Revenues
earmarked for purchase of
items for Civic Center
Mansion

Resolution No. 20-85

On motion of Councilman Hartogensis, duly seconded and passed by unanimous vote of all present, Resolution No. 20-85, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, authorizing carryover of revenues earmarked for purchase of items for Civic Center Mansion were adopted.

Re: Resolution: To adopt
Goals, Policies and
Objectives for Rockville
Pike

Resolution No. 21-85

Mr. Davis, Director of Planning, briefed the Council on the timetable.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, Resolution No. 21-85, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, adopting Goals, Policies and Objectives for Rockville Pike, was adopted by the Mayor and Council.

Re: Correspondence:

The Mayor and Council noted the following items of correspondence:

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1. Rockville Senior Associates, re purchase of new bus

Councilman Tyner asked the staff to come back with information on the bus purchase.

2. Jennifer Olson, thank you for scholarship
3. W. Larry Wraga, re fallen tree limb
4. Congressman Barnes, re minimum wage legislation
5. Delegate Gordon, re pre-filing of bills

Councilman Hartogensis noted that this had been done.

6. JoAnn Mazzetta, re charter amendment to limit terms
7. Nancy Hafer, Historical Society, re thank you

Re: Information Items

The Mayor and Council noted the following items of information:

1. Memo from Director of Finance re Contract Officer
2. Economic Update
3. Information on Caregivers

Mayor Hovsepian asked if the Council cared to do something on this. Councilman Tyner said he planned to discuss this under new business.

4. Copy of letter re storm water easement
5. Copy of letter to County re Tribune United
6. State Highway Reconstruction Program for 7/85-12/87
7. COG/City Transportation Study

Re: New Business

1. Councilman Tyner noted that a letter had been received from the Chairman of the Housing Authority and the Housing Authority had not been briefed fully on the mayor and Council adoption of Goals and Objectives. They should have been told this was not a policy statement. The mayor and Council had asked the Housing Authority to oversee the project and the Housing Authority was not aware of the scope. He suggested in the future there be better communications.

2. Mayor Hovsepian asked if the Caregivers request could be addressed. Councilman Tyner asked that Caregivers reception go forward as outlined in the memo. The Mayor asked that the City Clerk work out the arrangements and the timing and keep the Mayor and Council informed.

3. Councilman Hartogensis asked that the staff direct their efforts to an appropriate recognition for the City Manager.

Re: Adjournment

There being no further business to come before the Mayor and Council in general session, the meeting was adjourned at 10:30 p.m. to convene again in general session on Monday, September 9, 1985, at 8:00 p.m. or at the call of the Mayor.